

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

HOWARD SMALLWOOD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-00190-TWP-DML
	)	
DR. NOLL,	)	
	)	
Defendant.	)	

**Entry Denying Second Motion to Appoint Counsel**

The plaintiff's motion for assistance with recruiting counsel, dkt. [13], is **denied as premature**. The defendants have not yet responded to the complaint. The Seventh Circuit has found that "until the defendants respond to the complaint, the plaintiff's need for assistance of counsel . . . cannot be gauged." *Kadamovas v. Stevens*, 706 F.3d 843, 845 (7th Cir. 2013).

Additionally, litigants requesting that counsel be recruited must first show that they made a reasonable attempt to secure private counsel. *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004); *Zarnes v. Rhodes*, 64 F.3d 285, 288 (7th Cir. 1995). The Court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The plaintiff's motion for assistance with recruiting counsel states that he contact four attorneys on his own seeking representation. This effort is not enough and he should continue to attempt to recruit counsel on his own. If he chooses to renew his request for the appointment of counsel, he shall provide the Court with a list of the names of attorneys, organizations, and/or law firms he has contacted and any responses he has received. For the present, the plaintiff's second motion for assistance with recruiting counsel, dkt. [13], is **denied**.

Date: 3/23/2018

A handwritten signature in black ink, reading "Tanya Walton Pratt". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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